

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**  
**8/26/2020**  
THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

JAIME CESAR ROCHA-PEREZ  
also known as "Jaime Rocha"

**CRIMINAL COMPLAINT**

CASE NUMBER: 20 CR 547

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief.

On or about January 17, 2019, at Elgin, Illinois, in the Northern District of Illinois, Eastern Division, JAIME CESAR ROCHA-PEREZ, also known as "Jaime Rocha", defendant herein,

being an alien who previously had been deported and removed from the United States on or about June 29, 2007, was found in the United States without previously having obtained the express consent of the Secretary of the Department of Homeland Security, for reapplication by defendant for admission into the United States;

in violation of Title 8, United States Code, Section 1326(a) and Title 6, United States Code, Section 202(4).

I further state that I am a Deportation Officer with the Bureau of Immigration and Customs Enforcement and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

*Carly Schilling, D.O.*

Signature of Complainant

CARLY SCHILLING

Deportation Officer, U.S. Immigration and Customs Enforcement

Pursuant to Fed. R. Crim. P. 4.1, this complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: August 26, 2020

*Sheila Finnegan*  
Judge's signature

City and state: Chicago, Illinois

SHEILA M. FINNEGAN, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

**AFFIDAVIT**

I, CARLY SCHILLING, being duly sworn, state as follows:

1. I am a Deportation Officer with the United States Bureau of Immigration and Customs Enforcement, and have been so employed for approximately twelve years. I am a member of an investigative unit within ICE that specializes in the apprehension of criminal aliens. I work in conjunction with other law enforcement agencies in reviewing cases involving aliens who are charged with or convicted of criminal offenses. I have received training concerning immigration-related laws, policies, and procedures, including those related to the reentry of previously deported aliens.

2. This affidavit is submitted in support of a criminal complaint alleging that JAIME CESAR ROCHA-PEREZ, also known as “Jaime Rocha,” has violated 8 U.S.C. § 1326(a), Reentry of Removed Alien, and Title 6, United States Code, Section 202(4), by being present and found in the United States after having been deported, and is subject to the enhanced penalty provision set forth in 8 U.S.C. § 1326(b)(2) because defendant previously was deported following conviction for an aggravated felony. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging defendant with illegal reentry, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to

establish probable cause to believe that defendant committed the offense stated in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents and officers and by other persons identified in this affidavit, and my review of records maintained by ICE, other components of the Department of Homeland Security, and other government agencies.

#### **I. FACTS SUPPORTING PROBABLE CAUSE**

4. According to DHS records, defendant is a native and citizen of Mexico and has no claim to United States citizenship or lawful residence. DHS records reflect that defendant was born in Mexico in [defendant's date and month of birth redacted pursuant to Fed. R. Crim. P. 49.1] 1975 and originally entered the United States at or near El Paso, Texas, on or about May 30, 1976, without inspection or admission by United States immigration authorities, and adjusted status to that of a lawful permanent resident in Chicago, Illinois on or about October 18, 1990.

5. Records maintained by the Clerk of the Court for the Eighteenth Judicial Circuit, DuPage County, Illinois reflect that on or about February 22, 2007, ROCHA-PEREZ was convicted of aggravated criminal sexual abuse, an aggravated felony, and sentenced to 100 days' imprisonment and 36 months' probation. On or about November 13, 2019, the circuit court revoked ROCHA-PEREZ's prior sentence and resentenced him to three years' imprisonment.

6. DHS records further reflect that on or about June 29, 2007, defendant was deported from the United States to Mexico at El Paso, Texas. Additionally, DHS

records reflect that defendant has not applied for or received permission to reenter the United States.

7. On or about January 17, 2019, ICE learned that ROCHA-PEREZ was present in the United States and being detained by the Elgin Police Department on state criminal charges. On or about January 17, 2019, an ICE detainer was issued to the Elgin Police Department.

8. According to records maintained by the Clerk of the Circuit Court for the Sixteenth Judicial Circuit, Kane County, Illinois, on or about October 2, 2019, ROCHA-PEREZ was convicted of making a false statement to procure a credit or debit card and possession of a fraudulent identification card in the Sixteenth Judicial Circuit Court, Kane County, Illinois, and he was sentenced to two years' imprisonment.

9. Fingerprint comparisons conducted by Federal Bureau of Investigation, Fingerprint Identification Division on or about July 23, 2020, and on or about July 27, 2020 have established that defendant is the same person who was deported from the United States to Mexico on or about June 29, 2007.

10. Specifically, defendant's fingerprints were taken when he was brought to the Illinois Department of Corrections in or around October 2019. Those fingerprints were compared with defendant's right index fingerprint from his deportation on or about June 29, 2007, and were confirmed to belong to the same person.

11. Additionally, defendant's fingerprints were taken following his conviction in or around February 2007, when he was taken into ICE custody on or about March 30, 2007. Those fingerprints were also compared to the defendant's prints obtained in or around October 2019, and were determined to belong to the same person.

## II. CONCLUSION

12. Based upon the foregoing, there is probable cause to believe that on or about January 17, 2019, ROCHA-PEREZ, an alien who previously had been deported and removed from the United States on or about June 29, 2007, was found in the United States without previously having obtained the express consent of the Secretary of the Department of Homeland Security for reapplication by defendant for admission into the United States, in violation of Title 8, United States Code, Section 1326(a) and Title 6, United States Code, Section 202(4).

FURTHER AFFIANT SAYETH NOT.

Carly Schilling, D.O.  
CARLY SCHILLING  
Deportation Officer, Bureau of  
Immigration and Customs Enforcement

SUBSCRIBED AND SWORN to  
telephonically this 26th day of August, 2020.

Sheila Finnegan  
Sheila M. Finnegan  
United States Magistrate Judge